Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)
CHANNEL 51 OF SAN DIEGO, INC.)
LPTV Station K12PO Temecula, California Facility I.D. 41601)
To:	Michelle M. Carey, Chief Media Bureau	

COMMENTS OF LOS ANGELES COUNTY, CALIFORNIA

The County of Los Angeles, California ("LA County"), through counsel, hereby submits its Comments in support of the Tolling or Waiver Regarding Section 74.15(f) of the Commission's Rules submitted by Channel 51 of San Diego, Inc. ("Petitioner") on October 31, 2019. In support thereof, the following is shown:

In 2008, the Public Safety and Homeland Security Bureau (Bureau) granted LA County a waiver pursuant to Section 337 of the Communications Act of 1934, as amended, to use UHF-TV Channel 15 to construct a "standards-based, single platform, UHF voice radio system" to be used by all public safety agencies in the County.¹ The County also requested and was granted extended implementation (slow growth) authority under Section 90.629 of the Commission's Rules.

Petitioner operates an LPTV station under FCC Call Sign K12PO in Temecula, California.

Petitioner claims that it was forced to remove K12PO's operation on TV Channel 12 off the air

¹ FCC Call Sign WQJX500 through WQJX557, WQUP813 and WQUR911.

when KDOC-TV in Anaheim, California was relocated by the Commission to TV channel 12. Petitioner seeks relocation to Channel 15 so that it can resume operation.

LA County objected to Petitioner's request. LA County submitted substantial technical information in two separate filings demonstrating that interference to LA County's operations would result from the relocation. Petitioner's request remains pending at the Commission.

Petitioner now seeking a waiver of Section 74.15(f) of the Commission's Rules, which specifies that a station license will automatically expire after non-operation for one year or more. Petitioner requests that the Commission toll this time period until such time as the Commission acts on Petitioner's relocation request.

Since LA County's filing, TV Channel 15 interference to LA County's public safety operations has grown worse. As the Commission is aware, LA County is presently attempting to resolve interference from three separate TV Channel 15 or 16 authorizations. Further, LA County recently discovered that the Commission has apparently granted an authorization for a translator station in Bakersfield (FCC Call Sign K08MM, see attached map), in direct contravention of the initial Waiver Grant to LA County. Specifically, footnote 124 of LA County's Waiver Grant states as follows:

The authorization of TV Channel 15 for public safety use in Los Angeles will require LPTV, TV translator and Class A TV applicants to limit the predicted field strength of proposed facilities to 52 dBu at the protected 130-kilometer co-channel contour. Currently, low power TV applicants must limit their predicted field strength at this contour to the less restrictive 76 dBu to protect land mobile service on adjacent channels 14 and 16. In this regard, the grant of the waiver request to Los Angeles County would further restrict the use of channel 15 for digital low power TV operations at locations near the 130-km protected land mobile contour.

As shown in the attached map, the Commission erred in granted the authorization for K08MM, and which Petitioner now seeks to waive.

In this proceeding, the Commission must weigh important issues, and necessarily consider

public safety first-response and disaster recovery, to chart a path which will instruct other

LM/UHF-TV sharing situations. The Commission's deliberations must be thorough and

considerate. At the same time, it is not LA County's desire for Petitioner's authorization to be

revoked if there are alternative assignments possible. However, requiring K12PO to go on the air

(on TV Channel 15) during this period of Commission deliberation would unnecessarily endanger

public safety. On this basis, LA County is supportive of Petitioner's request to remain off the air

during the pendency of this proceeding. A Waiver Grant or Tolling will allow the status quo to be

maintained while Petitioner finds alternative facilities that will not cause interference to public

safety.

WHEREFORE, the premises considered, it is respectfully requested that the Commission

GRANT the Waiver Request submitted by Channel 51 of San Diego, Inc. for silent authority for

K12PO during the pendency of this proceeding.

Respectfully Submitted,

LOS ANGELES COUNTY, CALIFORNIA

By:

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Its Attorney

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Date: November 12, 2019

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CH. 15 52 dBu F(50,10) Contours

30 0 30 60 90 120 150 180 210 km

CERTIFICATION OF SERVICE

I, Julie Maiello, an administrative assistant in the law firm of Shulman, Rogers, Gandal, Pordy & Ecker, P.A., hereby certifies that on this 12th day of November 2019, I sent a copy of the foregoing Comments of Los Angeles County, California via United States, postage prepaid regular mail to the following:

Howard M. Liberman, Esquire Wilkinson Barker Knauer LLP 1800 M Street, NW Suite 800N Washington, DC 20036

Julie Maiello